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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,551	03/29/2001	Peter Y. Zhou	135695/0050	4978

7590 11/28/2006

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EXAMINER

LA, ANH V

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No. 09/820,551	Applicant(s) ZHOU ET AL.	
	Examiner Anh V. La	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11/12/03.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No: \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/28/02</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 14, 17, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobsen (US 6,198,394) in view of Man (US 4,706,689).

Regarding claims 1-3, 14, 17, and 18, Jacobsen discloses a system/method for remotely monitoring a person comprising a portable unit 50 adapted to monitor a biological parameter and physical location of the person (see figures 4a), a global positioning satellite 510 transmitting global positioning system (GPS) data to the portable unit (column 9, lines 64-65), a central unit 400, and a ground station (col. 15, lines 58-60). Jacobsen does not disclose the portable unit being adapted to be part of an artificial body part of the person wherein the artificial body part being an artificial implant (claim 2) proximately to a skin surface of the person (claim 3). Man teaches the use of a portable unit 62 being adapted to be part of an artificial body part of a person wherein the artificial body part being an artificial implant proximately to a skin surface of the person. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include the portable unit being adapted to be part of an artificial body part of the person wherein the artificial body part being an artificial implant proximately to a skin surface of the person to the system/method of Jacobsen as taught by Man for the purpose of effectively monitoring a remote person.

Regarding claim 19, Jacobsen discloses the step of receiving including the step of receiving from a GPS satellite to the portable unit, information relating to the physical position of the person (see figure 4a).

3. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobsen (US 6,198,394) in view of Kambhatla (US 6,238,337).

Regarding claim 12, Jacobsen discloses a system for remotely monitoring a person comprising a portable unit 50 adapted to monitor a biological parameter and physical location of the person (see figures 4a), a global positioning satellite 510 transmitting global positioning system (GPS) data to the portable unit (column 9, lines 64-65), a central unit 400, and a ground station (col. 15, lines 58-60). Jacobsen does not disclose the portable unit being adapted to be part of an eyeglass worn by the person. Kambhatla discloses a portable unit being adapted to be part of an eyeglass worn by a person (abstract, col. 2, lines 1-11). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include the portable unit being adapted to be part of an eyeglass worn by the person to the system of Jacobsen as taught by Kambhatla for the purpose of effectively monitoring a remote person.

4. Claims 4, 5, 7-11, 13, 15, and 16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobsen in view of Man as applied to claim 1 above, and further in view of Hoffman (US 5,742,233).

Regarding claims 4, 5, 13, 15, and 16, Jacobsen as modified in view of Man discloses all the claimed subject matter as set forth above in the rejection of claim 1, and further discloses a microchip 310 (col. 3, line 39), a transmitter 60, a battery 268, a sensor 168, and a receiver 70 (claim 5), but does not disclose a transceiver and an interrogation signal. Hoffman teaches the use of a transceiver 20 and an interrogation signal (col. 6, lines 60-63). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include a transceiver and an interrogation signal to the system of Jacobsen (modified by Man) as taught by Hoffman for the purpose of effectively monitoring a remote person.

Regarding claim 7, Jacobsen discloses a processing unit 310 and an information storage device 312.

Regarding claim 8, Jacobsen as modified by Man and Hoffman discloses the processing unit receives the GPS data and the signal relating to the biological parameter of the person after receiving the interrogation signal.

Regarding claim 9, Jacobsen clearly discloses the processing unit determines information relating to the physical location of the person as a function of the GPS data.

Regarding claim 10, Jacobsen as modified by Man and Hoffman discloses the processing unit sending information stored in the information storage device to the ground station via the transceiver after receiving the interrogation signal.

Regarding claim 11, Jacobsen discloses the information stored in the information storage device including preset information relating to at least one of identifying

information, personal information and special medical information about the person (col. 10, lines 1-2).

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobsen in view of Man and Hoffman as applied to claim 5 above, and further in view of Schulman (US 6,185,452).

Regarding claim 6, Jacobsen as modified in view of Man and Hoffman discloses all the claimed subject matter as set forth above in the rejection of claim 5, but does not disclose the battery being rechargeable via an energy source occurring naturally within the person. Schulman teaches a battery being rechargeable via an energy source 118 occurring naturally within a person. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include the battery being rechargeable via an energy source occurring naturally within the person to the system of Jacobsen (modified by Man and Hoffman) as taught by Schulman for the purpose of providing a power supply to the system.

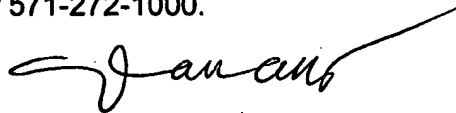
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cobb and Toubia disclose personal alarm systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh V. La whose telephone number is (571) 272-2970. The examiner can normally be reached on Mon-Fri from 9:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (571) 272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**ANH V. LA**  
**PRIMARY EXAMINER**  
Anh V La  
Primary Examiner  
Art Unit 2612

AI  
November 13, 2006